



Atty. Dkt. No. 029318-1003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugene R. Cooper *et al.*
Title: NANOPARTICULATE MELOXICAM FORMULATIONS
Appl. No.: 10/784,900
Filing Date: 2/24/2004
Examiner: Tran, Susan T.
Art Unit: 1615
Confirmation Number: 1015

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Elan Pharma International Ltd., having its principal place of business at Monksland, Athlone, County Westmeath, Ireland, formerly at Treasury Building, Lower Grand Canal Street, Dublin 2, Ireland, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/784,900, filed on February 24, 2004, by virtue of an Assignment filed and recorded on July 16, 2004, on Reel/Frame 014862/0970, in the United States Patent and Trademark Office, which a copy of the abstract of title is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,908,626, which issued on U.S. Patent Application No. 10/268,928, filed October 11, 2002, by virtue of an Assignment filed and recorded on December 11, 2002, on Reel/Frame 013567/0839, in the United States Patent and Trademark Office, which a copy of the abstract of title is attached hereto as APPENDIX B.

Your Petitioner, Elan Pharma International Ltd., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,908,626, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,908,626 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,908,626 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,908,626 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,908,626 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,908,626, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the

Assignments attached as APPENDICES A and B, and to the best of her knowledge and belief, legal title to the above identified patent application and U.S. Patent 6,908,626 rests with Petitioners, Elan Pharma International Ltd.. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date April 3, 2008

By M. M. Simkin

FOLEY & LARDNER LLP
Customer Number: 31049
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicant
Registration No. 34,717

APPENDIX A

Patent Assignment Details

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Reel/Frame: 014862/0970**Pages:** 7**Recorded:** 07/16/2004**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Total properties: 1**

1	Patent #: NONE	Issue Dt:	Application #: 10784900	Filing Dt: 02/24/2004
	Publication #: <u>US20040229038</u>	Pub Dt: 11/18/2004		
	Title: Nanoparticulate meloxicam formulations			

Assignors

1	<u>COOPER, EUGENE R.</u>	Exec Dt: 03/13/2004
2	<u>RYDE, TUULA</u>	Exec Dt: 03/16/2004
3	<u>PRUITT, JOHN</u>	Exec Dt: 03/16/2004
4	<u>KLINE, LAURA</u>	Exec Dt: 03/15/2004

Assignee

1 ELAN PHARMA INTERNATIONAL LTD.
WIL HOUSE, SHANON BUSINESS PARK, SHANNON
CO. CLARE, IRELAND

Correspondence name and address

FOLEY & LARDNER LLP
MICHELE M. SIMKIN
3000 K STREET, N.W., SUITE 500
WASHINGTON HARBOUR
WASHINGTON, DC 20007-5143

Search Results as of: 04/02/2008 01:31 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

APPENDIX B

Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 1**Patent #:** 6908626**Issue Dt:** 06/21/2005**Application #:** 10268928**Filing Dt:** 10/11/2002**Publication #:** 20030137067**Pub Dt:** 07/24/2003**Inventors:** Eugene R. Cooper, Stephen B. Ruddy**Title:** COMPOSITIONS HAVING A COMBINATION OF IMMEDIATE RELEASE AND CONTROLLED RELEASE CHARACTERISTICS**Assignment: 1****Reel/Frame:** 013567/0839**Recorded:** 12/11/2002**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** COOPER, EUGENE R.**Exec Dt:** 10/24/2002RUDDY, STEPHEN B.**Exec Dt:** 10/24/2002**Assignee:** ELAN PHARMA INTERNATIONAL LTD.WIL HOUSE, SHANNON BUSINESS PARK
SHANNON, COUNTY CLARE, IRELAND**Correspondent:** FOLEY & LARDNER

MICHELE M. SIMKIN

WASHINGTON HARBOUR

3000 K STREET, N.W., SUITE 500

WASHINGTON, D.C. 20007-5143

Search Results as of: 04/02/2008 01:30 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1

Web interface last modified: April 20, 2007 v.2.0.1